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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chudzik et al.

Conf. No.: 4946

Serial No.: 10/710,947

Art Unit: 2858

Filing Date: 08/13/2004

Examiner: He, Amy

Title: METHOD FOR THE DETER-
 MINATION OF FILM CONTINUITY
 IN THIN DIELECTRIC FILM

Docket No.: FIS920040092US2
 (IBMF-0066)

Refund Ref: 003004571
 08/10/2007

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PETITION TO WITHDRAW HOLDING OF

ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

ALTERNATIVELY, PETITION TO REVIVE UNINTENTIONALLY ABANDONED

APPLICATION UNDER 37 C.F.R. § 1.137(b)

Sir:

This Petition is being filed subsequent to the Notice of Abandonment
 mailed January 9, 2007.

A) Petition to Withdraw Holding of Abandonment:

Applicants submit that the Notice of Abandonment citing Applicants'
 alleged failure to timely file a proper reply to the Office Action mailed on May 23,
 2006 is improper, and respectfully submit:

1) On August 21, 2006, Applicants filed, via facsimile, an Amendment in
 response to the Office Action.

Adjustment data: 09/10/2007 CKHLOK
 09/10/2007 TL0111 00000031 10710947
 10/01/2007 -1500.00 DP

02/01/2007 TL0111 00000031 10710947

01 FC:1453

1500.00 DP

10/710947

1

Respectfully submitted,

/Spencer K. Warnick/

Spencer K. Warnick
Reg. No.: 40,398

Date: March 14, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: _____		2 Serial/Patent # <u>10/710947</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
<input checked="" type="checkbox"/>	Petition			\$ <u>1500</u>						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
	Assignment			\$						
	Other			\$						
		7 TOTAL AMOUNT OF REFUND		\$						
		8 TO BE REFUNDED BY: <u>Credit and</u>								
		<input checked="" type="checkbox"/> Treasury Check								
		Credit Deposit A/C #:								
		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;">--</td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> </tr> </table>					--			
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10 REASON:										
	Overpayment									
	Duplicate Payment									
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	<u>Per 1376 not necessary</u>								
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Gilson</u>		TITLE: <u>ATTY</u>								
SIGNATURE: <u>[Signature]</u>		PHONE: <u>23214</u>								
OFFICE: <u>90P</u>										
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APPROVED: <u>[Signature]</u>		DATE: <u>9/10/07</u>								

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